

COPY

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

RECEIVED
MAR 20 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

Canadian National (formerly Wisconsin Central Ltd.), the Village of Mundelein, the County of Lake, and the State of Illinois, Department of Transportation.

Stipulated Agreement regarding the installation of an Automated Horn System (AHS System) at the crossings of the Company's track with public highways known as Butterfield Road, Illinois Rte. 60 (IL 60), Allanson Road, Hawley Street, Park Street, Maple Street (IL Rte. 176), Dunbar Road, Winchester Road, and Peterson Road, located in/near the Village of Mundelein, Lake County, Illinois, designated as crossings AAR/DOT 689 698N milepost 37.37M; AAR/DOT 689 699V; milepost 37.50M; AAR/DOT 689 701U, milepost 38.65M; AAR/DOT 689 703H, milepost 39.80; AAR/DOT 689 704P, milepost 39.94M; AAR/DOT 689 705W, milepost 40.10M; AAR/DOT 689 707K, milepost 40.85M; AAR/DOT 689 709Y, milepost 41.78M; AAR/DOT 689 710G, milepost 42.38M, respectively.

T01-0029

**SUPPLEMENTAL PETITION FOR AN ORDER APPROVING
AN EXTENSION OF THE 18-MONTH STUDY PERIOD
FOR THE AUTOMATED HORNS PROJECT**

Now comes Petitioner, the Village of Mundelein (the "VILLAGE"), and petitions the Illinois Commerce Commission (the "COMMISSION") for an order approving an extension of the 18-month study period for the automated horns project. In support of its Petition, the VILLAGE states as follows:

1. Canadian National (formerly Wisconsin Central Ltd.) is a rail carrier operating in Illinois and is a rail carrier within the meaning of the Illinois Commercial Transportation Law.

2. The Illinois Department of Transportation is an agency of the State of Illinois and is subject to the jurisdiction of the COMMISSION.

DOCKETED

3. Lake County is a political subdivision within the State of Illinois and is subject to the jurisdiction of the COMMISSION.

4. The Village of Mundelein is a political subdivision within the State of Illinois and is subject to the jurisdiction of the COMMISSION.

5. The Canadian National owns and operates a main line of railroad through Cook County continuing into Lake County and to the Wisconsin border. This mainline carries Canadian National trains and Metra trains. This main line passes through the municipalities made party respondents to this action.

6. On April 25, 2001, the COMMISSION issued an order in this docket (the "ORDER") directing that WCL install automated horns (to provide warning to motorists of approaching trains) at nine at-grade rail-highway crossings in and around the Village of Mundelein. The ORDER is incorporated herein by reference.

7. The ORDER incorporated a Stipulated Agreement among the parties hereto and the COMMISSION. The Stipulated Agreement contained the following special provisions:

(a) The AHS system and appurtenances are considered an experimental installation.

(b) A study is to be performed on the effectiveness of the system, and whether the AHS system can replace the need for train crews to sound train horn warnings when approaching public highway/rail grade crossing by the Northwestern University Center for Public Safety (the "STUDY").

(c) The pilot program shall continue for a minimum of eighteen (18) months from the date of COMMISSION Interim Order.

8. On September 12, 2002, the Village of Mundelein filed a Supplemental Petition for an order from the COMMISSION approving an extension for the 18 month study period for the automated horns project.

9. On October 25, 2002, the COMMISSION issued the Third Supplemental Interim Order in this matter which extended the time to and including April 25, 2003 to complete the STUDY.

10. In accordance with the ORDER of April 25, 2001 the Village of Mundelein has complied with all requirements set forth by the COMMISSION. Specifically, monthly reports on the operation of the automated horn systems have been submitted; quarterly meetings of the parties have been held to discuss operations; and an evaluation of the effectiveness of the AHS system (the STUDY) has been undertaken.

11. Upon completion of the STUDY the final report was distributed in January 2003, to the Illinois Commerce Commission, the Federal Railroad Administration, the Volpe National Transportation Systems Center, the Illinois Department of Transportation, the Lake County Department of Transportation, and the Villages of Vernon Hills and Libertyville.

12. The conclusion of the STUDY as stated in its executive summary was "that the wayside horn significantly reduces highway-rail crossing violations". And, that "it accomplishes this task while improving the quality-of-life for nearby residents."

13. Based on the STUDY, the monthly reports submitted by the VILLAGE, and the quarterly meetings held by the parties, the Village of Mundelein believes that the AHS system has been proven to be an effective and reliable alternative to the need for

train crews to sound train horn warnings when approaching public highway/rail grade crossings.

14. During the study period the VILLAGE has contracted for maintenance of the AHS systems with Railroad Controls Ltd. The VILLAGE pays for the maintenance of the AHS systems at all nine locations. Railroad Controls Ltd. maintains the AHS systems with the permission of the Canadian National Railroad under a license agreement.

15. The maintenance contract between the VILLAGE and Railroad Controls Ltd. and the License Agreement between Canadian National and Railroad Controls Ltd. are set to expire upon the completion of the study period.

16. In order to provide for a long-term maintenance arrangement following the expiration of the current agreements, there are a number of options that will need to be considered by the Village of Mundelein. The VILLAGE believes that these options cannot be fully explored and the necessary contracts and license agreements executed before the expiration date of the current order April 25, 2003.

17. The Village of Mundelein would like the COMMISSION to approve the use of the AHS system and appurtenances as a railroad crossing safety device and permit the AHS installations at the aforementioned locations to remain in place permanently once the provision of long term maintenance has been arranged.

18. The Village of Mundelein desires that the 18-month study period for the automated horns project be extended for an additional six (6) months to allow time for the VILLAGE to explore the options available for long-term maintenance of the automated horn systems.

WHEREFORE, Petitioner Village of Mundelein respectfully requests that the COMMISSION:

- a. Extend the 18-month study period for the automated horns project for an additional six (6) months.
- b. Provide such other and further relief as the COMMISSION deems just and appropriate.

Dated at Mundelein, Illinois this 18th day of March, 2003.

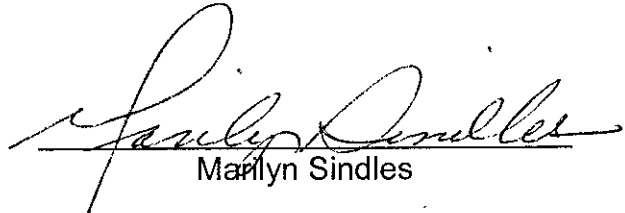
Respectfully submitted,

VILLAGE OF MUNDELEIN

By: Michael A. Flynn
Michael A. Flynn
Assistant Village Administrator
Village of Mundelein
440 East Hawley St.
Mundelein, IL 60060
(847) 949-3223

VERIFICATION

MARILYN SINDLES, being first duly sworn under oath, deposes and states that she is President of the Village of Mundelein, and that she has read the foregoing Petition of the Village of Mundelein, and that the contents thereof are true and correct to the best of her knowledge and belief.


Marilyn Sindles

SUBSCRIBED and SWORN to
before me this 18th day of
March, 2003




Notary Public

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Canadian National (formerly Wisconsin Central Ltd.), the Village of Mundelein, the County of Lake, and the State of Illinois, Department of Transportation.

Stipulated Agreement regarding the installation of an Automated Horn System (AHS System) at the crossings of the Company's track with public highways known as Butterfield Road, Illinois Rte. 60 (IL 60), Allanson Road, Hawley Street, Park Street, Maple Street (IL Rte. 176), Dunbar Road, Winchester Road, and Peterson Road, located in/near the Village of Mundelein, Lake County, Illinois, designated as crossings AAR/DOT 689 698N milepost 37.37M; AAR/DOT 689 699V; milepost 37.50M; AAR/DOT 689 701U, milepost 38.65M; AAR/DOT 689 703H, milepost 39.80; AAR/DOT 689 704P, milepost 39.94M; AAR/DOT 689 705W, milepost 40.10M; AAR/DOT 689 707K, milepost 40.85M; AAR/DOT 689 709Y, milepost 41.78M; AAR/DOT 689 710G, milepost 42.38M, respectively.

T01-0029

NOTICE OF FILING

Mr. Edward R. Gower
Chief Counsel
Illinois Department of Transportation
2300 S. Dirksen Pkwy., Room 300
Springfield, IL 62764

Mr. Ken Marabella
Village Administrator
Village of Mundelein
440 E. Hawley Street
Mundelein, IL 60060

Mr. Robert Berry
Railroad Safety Specialist
Illinois Commerce Commission
527 E. Capital Avenue
Springfield, IL 62701

Mr. Dusty Powell
Division of Transportation
Lake County
600 W. Winchester Road
Libertyville, IL 60048-1381

Mr. Kevin Bowens
Village Administrator
Village of Libertyville
118 W. Cook Avenue
Libertyville, IL 60048

Mr. Michael S. Allison
Village Manager
Village of Vernon Hills
290 Evergreen Drive
Vernon Hills, IL 60061

PLEASE TAKE NOTICE that we have on this 18th day of March, 2003 mailed for filing with the Illinois Commerce Commission, the Village of Mundelein's Supplemental Petition for an Order Approving the extension of the 18-month study period for the Automated Horns Project in the above-captioned matter, a copy of which is hereby served upon you.

VILLAGE OF MUNDELEIN

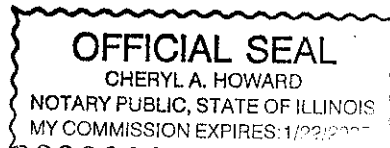
By: Michael A. Flynn
Michael A. Flynn
Assistant Village Administrator
Village of Mundelein
440 East Hawley St.
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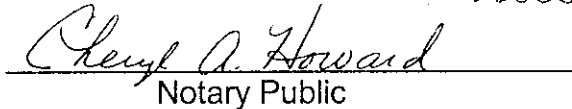
PROOF OF SERVICE

MICHAEL A. FLYNN, being first duly sworn, under oath, deposes and states that on behalf of Petitioner, he served the foregoing Supplemental Petition upon the respondents made party to this proceeding by enclosing copies of the Petition in envelopes addressed to those parties as set forth below, postage prepaid, and depositing the envelopes in the United States Mail at 435 East Hawley Street, Mundelein, Illinois on the 18th day of March, 2003.


Michael A. Flynn

SUBSCRIBED and SWORN to
before me this 18th day of
March, 2003




Notary Public

Mr. Edward R. Gower
Chief Counsel
Illinois Department of Transportation
2300 S. Dirksen Pkwy., Room 300
Springfield, IL 62764

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